

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**STRUCTURE PROBE INC.,**

Plaintiff,

v.

**EMS ACQUISITION CORP. (D/B/A,  
ELECTRON MICROSCOPY SCIENCES).**

Defendant.

Civil Action No. 07-CV-3893 (LBS)

**Judge Leonard B. Sand**

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of Defendant's Motion to Dismiss, filed September 20, 2007, and the plaintiff's response thereto, IT IS HEREBY ORDERED that the motion is granted. This case shall be dismissed.

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The Honorable Leonard B. Sand  
United States District Court Judge